

**Fletcher Jones Las Vegas d/b/a Fletcher Jones Chevrolet and International Union of Operating Engineers, Local 12, AFL-CIO, Petitioner. Case 28-RC-4806**

December 11, 1990

**DECISION ON REVIEW AND ORDER  
REMANDING**

BY MEMBERS CRACRAFT, DEVANEY, AND OVIATT

On May 18, 1990, the Regional Director for Region 28 issued a Decision and Direction of Election finding that the petitioned-for unit limited to service technicians was inappropriate and directing an election in an overall unit of service department employees.

In accordance with Section 102.67 of the Board's Rules and Regulations, the Petitioner and the Employer filed timely requests for review of the Regional Director's Decision and Direction of Election. The Employer contended that the unit was too limited and that the only appropriate unit must include all employees in the service, parts, body shop, and used-car departments. The Petitioner contended that the unit should only consist of the service technicians, i.e., automobile mechanics, working in the Employer's service department, excluding the get-ready technicians. The Board, by Order dated June 15, 1990, granted both requests for review.<sup>1</sup>

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the entire record in this case, including the briefs on review filed by the Petitioner and the Employer,<sup>2</sup> and has decided to reverse the Regional Director's conclusions and to find that the petitioned-for unit of service technicians, excluding the get-ready technicians, is an appropriate craft unit.

The Employer is engaged in the retail sale and service of automobiles. The Employer has a "fixed operations department," which includes the service, parts, body shop, and used-car departments. These four departments have separate managers. The Employer has further divided the service department into five separate work areas, where service technicians are employed: the get-ready, quick service, tuneup, heavy line, and front-end/transmission areas. There is no history of collective bargaining.

The service technicians' skills, duties, and pay vary based on the service area in which each is employed. Eighty-five percent of the service technicians are either certified by Automotive Service Excellence or a vehicle manufacturer. In addition, 65 to 70 percent of the

service technicians are considered journeymen technicians. All the service technicians provide their own tools, but the Employer provides some specialized instruments. Service technicians are paid on a flat rate system. This wage system is based on an estimate, which is provided in a repair manual, of the time needed to complete a given task.

The Regional Director included other service department employees, who are not service technicians, in the unit. These service employees have varied duties. The dispatchers, warranty clerks, service porters, courtesy driver, cashiers, and secretaries do not perform any mechanical work. Their duties, respectively, include assigning work, submitting warranty claims, cleaning the service area, transporting customers, collecting money, and providing traditional secretarial services. They are paid either an hourly wage or a base rate plus commission, and, thus, are compensated differently from the service technicians.

There is no evidence of daily work-related contact between the service technicians and the courtesy driver, service porters, cashiers, secretaries, or quality control employees. The service technicians do have daily contact with the dispatchers, and may ask questions of the warranty clerks. The service technicians perform their duties based on repair orders, which are prepared by a service advisor and they may confer with the advisor if additional customer authorization is needed for a repair. Although both the service advisors and the quality control employees have some mechanical knowledge, they do not perform mechanical repairs.<sup>3</sup>

The Petitioner, relying on *Dodge City of Wauwatosa*, 282 NLRB 459 (1986), contends that the service technicians constitute a craft unit. The Regional Director disagreed. He found that the service technicians were not an appropriate craft unit because, in cases where a craft unit of mechanics was found appropriate, all the mechanics possessed specialized training and/or extensive experience in automobile repair, used specialized tools and equipment, and had different duties from those of the other employees. The Regional Director found that the service technicians do not constitute a craft unit because the Petitioner sought to include the relatively untrained quick service technicians with highly trained technicians. We disagree and, for the following reasons, find that the service technicians, excluding the get-ready technicians, constitute an appropriate craft unit.

In *Dodge City*, 282 NLRB at 460 fn. 6, the Board stated that "mechanics possessing skills and training unique among other employees constitute a group of craft employees within an automotive . . . department, and therefore may, if requested, be represented in a separate unit, excluding other service department em-

<sup>1</sup>An election was held June 15, 1990, in the unit found appropriate by the Regional Director. The ballots were impounded.

<sup>2</sup>The Employer has requested oral argument. The request is denied as the record and briefs adequately present the issues and the positions of the parties.

<sup>3</sup>The quality control employees examine repaired vehicles to make certain that the repair was properly completed.

ployees.” Based on the *Dodge City* craft analysis, the present service technicians constitute a separate appropriate craft unit. The service technicians form a homogeneous group, have little in common with other service department employees, and possess skills that the other service employees either do not have or do not use to repair automobiles. The present service technicians, like the mechanics in *Dodge City*, supply their own tools, are compensated at a rate different from the other employees, perform job duties that are distinct from those of the other employees, and have limited contact with other service department employees.

The present service technicians have duties that are distinct from those of the other service department employees. The service technicians are the only service department employees who perform mechanical work. Their skills are dissimilar from the skills employed by the other service department employees, such as the service porters, the courtesy driver, and the secretaries. Like the mechanics in *Dodge City*, the majority of the service technicians are certified to perform their duties. Thus, the service technicians share a community of interest apart from the other employees in the Employer’s service department.

After an automobile is sold, the get-ready technicians prepare the vehicle for delivery to the customer. The get-ready technicians road test as well as visually inspect the automobile and its accessories to ensure that it is in working order. They can learn this entry level work in less than 1 day. The Petitioner states that these employees are not automotive mechanics and that they should not be included in the bargaining unit with the other service technicians. We shall exclude the get-ready technicians from the unit because they do not perform mechanical work.

The quick service technicians handle lubrication, oil and filter changes, belts, hoses, and other simple mechanical repair work. Although the quick service technicians are not as skilled as the other unit technicians, they are engaged in mechanical work. We find that the quick service technicians should be included in the unit as helpers or trainees. The Board has long held that a craft unit “consists of a distinct and homogeneous group of skilled journeymen craftsmen, working as such, together with their apprentices and/or helpers.” *American Potash & Chemical Corp.*, 107 NLRB 1418, 1423 (1954). Furthermore, in *Dodge City* the Board included lube and oil work employees in the craft unit. The present quick service technicians perform similar work. Although the Employer does not have a formal apprenticeship program, it does provide training and classes for service technicians to maintain and upgrade their skills. For example, one quick service technician testified that he attended classes to learn the more highly skilled tuneup work. In addition, the Employer considers the main shop as the training

ground where employees learn skilled mechanical work by “interfacing” with the skilled technicians.

The Employer contends that the unit must include all employees in the service, parts, body shop, and used-car departments because those employees are integrally related to the single function of servicing and repairing automobiles. We disagree with the Employer’s argument because of the service technicians’ separate craft identity and for the following reasons. The record reveals significant distinctions between the service technicians and the employees in the other departments. The parts department employees receive a base pay plus commission. The used-car employees are compensated on an hourly basis. Though the body shop employees and the service technicians are both compensated on a flat rate system, the Employer uses different manuals to determine the wages of the two groups of employees. Therefore, the service technicians are compensated at a different rate from the other employees. In addition, the four departments are separately supervised. The body shop and used-car employees are located in buildings separate from the service technicians. The record discloses that the service technicians use skills that are distinct from those of the other employees. Occasionally, the parts department employees perform incidental repair work such as installing wiper blades or fuses for customers. The record reveals that the customers are not charged for these installations. The body shop employees perform body repairs rather than mechanical work. Although the body shop employees may perform incidental mechanical work, complex work is sent to the service department. The body shop employees and the service technicians use different tools. The body shop employees also attend specialized training courses, which are different from those that the service technicians attend. The nature of the work in the used-car department varies considerably. The used-car department, however, sends automobiles to the service department when the repairs of a vehicle require the skills of a service technician.

The departments have clear lines of demarcation between them. The service department and the other departments have minimal integration of work. There is no evidence that the body shop and the used-car department send work to the service department on a frequent basis. Employees have not temporarily transferred between the service department and the parts, body shop, and used-car departments. There is no evidence that the service department employees have any work-related contact with the Employer’s other employees, except for the contact between the service department employees and four of the parts countermen. Although the service technicians have contact with the parts countermen from whom they obtain the parts needed for a repair, there is no evidence that the serv-

ice technicians have day-to-day contact with other parts department employees. There is no other evidence of day-to-day contact between the service department employees and the body shop or used-car department employees.

For the reasons stated above, we find that the petitioned-for unit of service technicians, excluding get-ready technicians, is an appropriate craft unit.<sup>4</sup> Accord-

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<sup>4</sup>Member Oviatt agrees with this craft determination based on his reading of *Dodge City of Wauwatosa*, 282 NLRB 459 (1986). He understands that decision as holding that the craft status of automobile mechanics depends on the

ingly, we reverse the Regional Director's decision in that respect and shall remand the case to him for further appropriate action.

#### ORDER

This case is remanded to the Regional Director for Region 28 for further appropriate action consistent with this Decision on Review and Order.

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facts of each case and not as broadly holding that all automobile mechanics, as such, are a craft.